



**STATE OF NEVADA**  
**COMMISSION ON ETHICS**  
<http://ethics.nv.gov>

**Wednesday, November 14, 2007**  
**9:00 a.m.**

**Nevada Legislative Building**  
**401 S. Carson Street, Room 2135**  
**Carson City, NV 89701**

**MINUTES**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.  
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,  
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members Present:  
Jim Kosinski, Esq., Chairman; Randall Capurro;  
Caren Jenkins, Esq.; George Keele, Esq.;

Commission Members absent during certain agenda items, due to their participation in the Panel  
Proceeding for those specific cases, and/or due to other commitment:  
Mark Hutchison, Esq., Vice Chairman; Timothy Cashman  
Rick Hsu, Esq. (in attendance after lunch break)

Commission on Ethics Staff Present:  
Patricia D. Cafferata, Esq., Executive Director  
Adriana G. Fralick, Esq., General Counsel  
Emily H. Nunez, Office Manager  
Matt Di Orio, Senior Investigator  
Tami DeVries, Research Analyst

Others Present:  
William B. Horn, Incline Village GID General Manager;  
John A. Bohn, Trustee, Incline Village GID, Board of Trustees  
Tom Beko, Counsel for Mr. Bohn

Witness subpoenaed by the NCOE:  
Beverly Mapps

Other witnesses were subpoenaed on behalf of Mr. Bohn but not called to testify.  
Other members of the public were present as well.

Chairman Kosinski called the meeting to order at 9:13 a.m., Wednesday, November 14, 2007.

Agenda Item 1 – Open session to approve the minutes of the August 29, 2007 Commission meeting.

Chairman Kosinski opened the agenda item to approve the minutes of the August 29, 2007 Commission meeting. Commissioner Jenkins requested clarification and correction. She then moved approval of the minutes as corrected. Commissioner Capurro seconded the motion. The motion was put to a vote and passed unanimously.

Agenda Item 2 – Open session to approve the minutes of the September 12, and September 21, 2007 Commission meetings.

Chairman Kosinski opened the agenda item to approve the minutes of the September 12, 2007 Commission meeting. Commissioner Jenkins requested a correction to the September 12 minutes, and with that correction, she moved approval of the September 12 and September 21, 2007 minutes. Chairman Kosinski seconded the motion. The motion to approve the September 12, 2007 minutes was put to a vote and passed unanimously. Commissioner Keele abstained because he was not present at the meeting. As for the September 21 minutes, the motion was put to a vote and passed unanimously.

Agenda Item 3 – Open session to approve the minutes of the September 13, and September 14, 2007 Subcommittee meetings.

Chairman Kosinski opened the agenda item and said that the minutes of the September 13, 2007 subcommittee meeting would be held until the next commission meeting since two of the subcommittee members were not present.

Commissioner Keele moved approval of the September 14, 2007 minutes. Chairman Kosinski seconded the motion. The motion was put to a vote and passed unanimously by votes of the two members present at the September 14 subcommittee meeting.

Agenda Item 4 – Request for Opinion No. 06-83

Open session to take action on a dismissal granted by the Chair concerning a Request for Opinion alleging that certain conduct of William B. Horn, Incline Village GID General Manager, violated provisions of the Ethics in Government Law.

Chairman Kosinski opened this agenda item. After discussions by Commissioners, Commissioner Keele moved that the order entered September 21, 2007, by Chairman Jim Kosinski, be deemed amended to include that the Chairman reviewed the subject's motion to

dismiss, the requester's permission to withdraw complaint, the commission panel determination regarding just and sufficient cause, and based upon those three documents, the Chair found good cause to dismiss the request for opinion pursuant to the subject's motion to dismiss. Commissioner Capurro seconded the motion. The motion was put to a vote and passed unanimously.

#### Agenda Item 5 – Requests for Opinion Nos. 06-74 and 06-82

Open session to hear testimony, receive evidence, deliberate and render an opinion relating to a Request for Opinion submitted pursuant to NRS 281.511(2)(b), alleging that certain conduct of John A. Bohn, Trustee, Incline Village General Improvement District, Board of Trustees, violated the provisions of NRS 281.481(2), NRS 281.481(5), and NRS 281.481(6).

Chairman Kosinski opened this agenda item and stated that he is denying requester's two motions, which included an objection to scheduling order, and requester's prayer for exercise of commission's discretion to admit him as a party. He then allowed Mr. Beko, counsel for Mr. Bohn, to present his preliminary motions.

Mr. Beko stated that the first complaint [06-74] was well defined. However, the second complaint [06-82] was vague, ambiguous and did not satisfy the requirements of due process in providing Mr. Bohn with a clear and concise statement of the nature of the allegations against him. Therefore, he submitted a motion to dismiss request for opinion number 06-82 and to proceed with request for opinion number 06-74 since it was clearly defined. Chairman Kosinski moved to deny the motion to dismiss filed by Mr. Beko on behalf of subject John Bohn. Commissioner Keele seconded the motion. The motion was put to a vote and passed unanimously.

Mr. Beko then proceeded to the second motion seeking dismissal of request for opinion number 06-74 because the only financial or pecuniary benefit that Mr. Bohn was alleged to have received as a result of his alleged conduct is his salary that is set by law, which cannot form the basis for any charge against him. Chairman Kosinski stated that he would expect the hearing to go forward based on the facts of this case and the law presented in the panel's determination. Commissioner Keele moved that the second motion to dismiss request for opinion in combined matters numbers 06-74 and 06-82 be denied. Commissioner Jenkins seconded the motion. The motion was put to a vote and passed unanimously.

The Chair then called for all witnesses to be sworn. Mr. Bohn's counsel provided an opening statement. Ms. Beverly Mapps testified before the Commission, followed by Mr. Bohn. There were no other witnesses called by the Commission or by counsel to John Bohn. Following testimony and deliberations, Commissioner Keele moved that based on the fact that he can see no prima facie case having been made that the subject had committed a violation of NRS 281.481, subsections 2, 5, or 6 that the requests for opinion numbers 06-74 and 06-82 be dismissed. Commissioner Jenkins seconded the motion. The motion was put to a vote and passed unanimously.

A lunch recess was taken at 12:20 p.m. The meeting reconvened at 1:10 p.m.

Agenda Item 6 – Open session for discussion and possible action on the Ethics Manual progress

Chairman Kosinski opened this agenda item and asked Ms. DeVries to provide an overview. Commissioners had discussions and considered how the manual would be presented, contents, format, and target audience. They gave Ms. DeVries direction to complete the manual as suggested. No other action was taken, and Chairman Kosinski closed this agenda item.

Agenda Item 7 – Open session for discussion and possible action on public officers' duty and apparent lack of filing of agency representation disclosure statements pursuant to NRS 281A.410 (formerly NRS 281.491)

Chairman Kosinski opened this agenda item. Discussion was held about who should be required to file the agency representation disclosure form. Chairman Kosinski requested that letters be sent to all legislators, county commissioners, district attorneys and city council members to remind them of the requirement to file this form by January 15. No further action was taken on this matter and the agenda item was closed.

Agenda Item 8 – Open session for discussion and possible action regarding proposed changes to NAC 281, scheduling public workshops and adoption hearing in accordance with NRS 233B.

Chairman Kosinski opened this agenda item and stated his consideration in postponing this item until the December 12, 2007 meeting. General Counsel, Ms. Fralick requested that Commissioners send her their written comments regarding the proposed changes so that they can be implemented before the December meeting. No further action was made. Chairman Kosinski closed the agenda item.

Agenda Item 9 – Open session for discussion regarding potential conflict scenarios relating to the Executive Director and a member of the Commission.

Chairman Kosinski opened this agenda item. Commissioner Jenkins stated that Jenkins Law Firm has the same disclosure and abstention requirements of any other public officer. As a member of this Commission, she stated that she has disclosed and abstained on a regular basis when required to do so, and that she believes the executive director as a public officer would do the same. Commissioner Jenkins assured the commission that any inference that Ms. Cafferata would be deferential to her because she worked with her at Jenkins Law firm is absurd and stated that she does not know what the genesis of any concern might have been.

Chairman Kosinski stated that he did not see a conflict unless the executive director failed to recuse herself from a potential conflict. He then closed this agenda item.

Agenda Item 10 – Open session for discussion regarding potential conflict scenarios relating to the Executive Director and a member of the Commission.

Chairman Kosinski opened this agenda item. He stated that he had received a letter from Ms. Cafferata indicating that she operates a publishing company, which she did not believe would interfere with her responsibilities as executive director.

Commissioner Keele referred the Commission to NRS 281A.230.4 and stated that he does not believe the statute excludes outside involvement. He further stated that any hours outside of her 55-60 hour commitment to the Commission should be hers.

No other action was taken on this matter. Chairman Kosinski closed this agenda item.

Agenda Item 11 – Open session for review of Request for Opinion Log

Chairman Kosinski opened this agenda item. Chairman Kosinski reminded commissioners that he believes the request for opinion log is an important issue and he would like to continue providing the log on a monthly basis to track the performance of staff and the investigative process, panel proceedings, hearings and the writing of opinions. He further stated that due to the 45-day rule for advisory opinions and the 60-day rule for investigations, he wants to ensure that staff focuses on meeting these timelines regardless if a waiver has been received.

Chairman Kosinski closed this agenda item.

Agenda Item 12 – Open session for Chairman's Comments

Chairman Kosinski opened this agenda item. He informed the commissioners about the imposed budget cuts and the effect they would have on the agency travel budget. He advised that meetings would start later and end earlier to accommodate one-day travel for commissioners and staff to reduce overnight expenses. He also suggested that staff try to reduce the amount of rental car usage when traveling for meeting purposes.

Chairman Kosinski also advised commissioners that Ms. Fralick has been in contact with the Governor's office to find a replacement for Commissioner Flangas and reappointment of Commissioner Cashman.

Chairman Kosinski informed commissioners that Ms. Fralick will provide them with her opinion as to whether or not there are any problems with commissioners attending caucuses.

Last, Chairman Kosinski stated that the Commission's decision in the Carrigan matter was appealed.

No action was taken on this item, and the agenda item was closed.

Agenda Item 13 – Open session for public comment

Chairman Kosinski opened the agenda item for public comment. No public comment was made, and the agenda item was closed.

Chairman Kosinski adjourned the meeting at 2:50 p.m.

Minutes transcribed by:

Minutes approved January 11, 2008

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Emily H. Nunez, Office Manager

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Jim Kosinski, Chairman